

**REPORT OF THE
HUMAN RESOURCES COMMITTEE OF THE
BOARD OF DIRECTORS OF THE
COOK COUNTY HEALTH AND HOSPITALS SYSTEM**

October 23, 2008

ATTENDANCE

Present: Chairman Andrea L. Zopp and Directors David Carvalho, Quin R. Golden, Sister Sheila Lyne, RSM and Jorge Ramirez (5)

Chairman of the Board Warren L. Batts (Ex-Officio)

Absent: None (0)

Also Present: Directors Hon. Jerry Butler and Heather E. O'Donnell, JD, LLM

David Barker, MD – Chief Medical Officer, Ruth M. Rothstein CORE Center; Patrick T. Driscoll, Jr. – Deputy State's Attorney, Chief, Civil Actions Bureau, Office of the State's Attorney; Richard Keen, MD – Chairman, Department of Surgery, John H. Stroger, Jr. Hospital of Cook County; Maurice Lemon, MD, MPH – Chief Medical Officer, Stroger Hospital of Cook County; Cecil Marchand – Associate Administrator, Stroger Hospital of Cook County; Enrique Martinez, MD – Chief Medical Officer, Ambulatory and Community Health Network of Cook County; Elizabeth Reidy – Deputy Chief, Civil Actions Bureau, Office of the State's Attorney; Deborah Santana – Office of the Secretary to the Board; David R. Small – Interim Chief Executive Officer, Cook County Health and Hospitals System; Sidney Thomas – Chief Operating Officer, Provident Hospital of Cook County

Ladies and Gentlemen:

Your Human Resources Committee of the Board of Directors of the Cook County Health and Hospitals System met pursuant to notice on Thursday, October 23, 2008 at the hour of 7:30 A.M. at Stroger Hospital, 1901 W. Harrison Street, in the fifth floor conference room, in Chicago, Illinois.

Your Human Resources Committee has considered the following items and upon adoption of this report, the recommendations follow.

Roll Call

Deborah Santana, of the Office of the Secretary to the Board, called the roll of members and it was determined that a quorum was present.

OLD BUSINESS

Update and discussion of pending information requests.

Chairman Zopp stated that there were only a few information requests that were pending. She stated that with regard to one follow-up item, she will contact the County's Compliance Administrator, Judge Julia Nowicki, to make the arrangements for Judge Nowicki's presence at a future Committee meeting. She asked David R. Small, Interim Chief Executive Officer of the Cook County Health and Hospitals System, to update the Committee on any other pending requests.

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Mr. Small stated that he has received the information to respond to one request (regarding methodology on salary upgrades and comparisons that include benefits related to pensions and malpractice insurance); this will be distributed.

Additionally, Mr. Small stated that he was working on the development of two reports. The first report will be an ongoing reporting on the status of requests to hire. The second report will provide the status of all current vacant positions in the System.

Chairman Zopp asked Board Chairman Batts to update the Committee on the meetings that have taken place with the County and the actions that took place at the County Board and Finance Committee on October 22nd.

Board Chairman Batts stated that the System's budget was sent to the Finance Committee and the schedule for hearings was set. The Commissioners discussed the enabling Ordinance; there appeared to be some disagreement on the procedure that will be used to approve the System's budget. Additionally, he stated that there were several questions related to the System's capital request. He then provided an overview of the meetings that were held with the individual Commissioners; there are four Commissioners remaining with whom they have not yet met.

Board Chairman Batts stated that the Board must make an adjustment to the budget in the order of \$20-25 million; this will reflect the net change of jobs. Additional information on this adjustment is expected to be received when the County's Finance Committee meets on October 27th.

Further discussion took place on the subject of the ongoing budget discussions and the budgetary flexibility needed by the System Board to prioritize and organize the System's needs.

Director Golden inquired on the status of the timeline for the County's electronic human resources system.

Cecil Marchand, Associate Administrator at John H. Stroger, Jr. Hospital of Cook County, responded that Jonathan Rothstein, Deputy Chief of the County's Bureau of Human Resources, had indicated that between the end of November and beginning of December was targeted. Mr. Marchand stated that he will follow up with Joseph Sova, Chief of the County's Bureau of Human Resources, to find out whether that target time was still anticipated.

Discussion followed on the subject of recruitment of a head of the System's human resources. Questions were raised on whether a recruitment firm's assistance was needed. Mr. Small provided information on the steps that have been taken, such as the development of the position description. Chairman Zopp indicated that if the recruitment process for the permanent Chief Executive Officer goes as planned and an individual is hired within the timeframe that has been discussed, she preferred that the permanent Chief Executive Officer would be given the opportunity to choose the leadership team (which would include the head of the System's human resources). In the meantime, Mr. Small would continue the search efforts for this position so that the permanent Chief Executive Officer would have vetted candidates from which to choose.

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On the subject of diversity of candidates, Director Golden requested a list of the professional organizations with whom the System shares information on recruitment efforts and positions available.

Mr. Small responded that he would provide the information¹.

In response to a question from Director Lyne with regard to the salary range planned for the position, Mr. Small stated that he would provide the information to the Committee². He believed that it was in the median range of the Metropolitan Chicago Healthcare Council salary survey for 2008.

Review and discuss Rules 8, 9 and 13 from both the County of Cook Personnel Rules
and the separate policy for physicians and dentists.

The Committee discussed Rules 8, 9 and 13 from both the County of Cook Personnel Rules and the separate policy for physicians and dentists.

Chairman Zopp noted the differences in discipline and grievance policies between the collective bargaining agreements. She requested that a summary of the differences be compiled for the Committee's review³. She asked Mr. Small to discuss the request further with her; the services of a volunteer or law student could possibly be found to perform the task.

The subject of affiliation agreements was discussed; differences between the aspect of dual employment and physician activities as a result of affiliation agreements were provided. Chairman Zopp requested that Mr. Small work with Elizabeth Reidy, Deputy Chief of the Civil Actions Bureau of the Office of the State's Attorney, to review and possibly revise the language with regard to affiliation relationships and dual employment⁴.

The Committee had a lengthy discussion on dual employment. Dr. David Barker, Chief Medical Officer of the Ruth M. Rothstein CORE Center; Dr. Richard Keen, Chairman of the Department of Surgery at John H. Stroger, Jr. Hospital of Cook County; Dr. Maurice Lemon, Chief Medical Officer of John H. Stroger, Jr. Hospital of Cook County; Dr. Enrique Martinez, Chief Medical Officer of the Ambulatory and Community Health Network of Cook County; and Sidney Thomas, Chief Operating Officer of Provident Hospital of Cook County provided suggestions and additional information on the subject. It was noted that Dr. Jack Raba, Interim Chief Medical Officer of the Cook County Health and Hospitals System, was expected to discuss the issue at a future Human Resources Committee meeting.

Director Carvalho requested information on the following: the number of full-time and part-time active physicians, the number of physician grievances, and the number of active physicians with a current dual employment form in their file. Additionally, Director Golden requested that the Strategic Planning Committee receive this information⁵.

Mr. Small reminded the Committee that the physician productivity model and articulation of expectations was one of the three primary areas that the Interim Chief Medical Officer was expected to address when the Board decided to create the position. Dr. Raba would provide an update on this and other issues at one of the next Human Resources Committee meetings⁶.

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Chairman Zopp requested that Rule 13.03, Section (b)(2) be revised to remove the word "seriously".⁷

After the Committee's discussion, Chairman Zopp requested that Mr. Small and his team further review these policies and develop additional recommendations; a single set of policies incorporating physicians, dentists and non-physician staff, inclusive of the recommendations made in Committee, should be presented to the Committee at a later date.

Update on labor negotiations.

Chairman Zopp, seconded by Director Golden, moved to recess the regular session and convene into closed session, pursuant to an exception to the Open Meetings Act, 5 ILCS 120/2(c)(2), et seq., which permits closed meetings for consideration of "Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees." **THE MOTION CARRIED UNANIMOUSLY.**

Chairman Zopp, seconded by Director Golden, moved to adjourn the closed session and convene into regular session. **THE MOTION CARRIED UNANIMOUSLY.**

NEW BUSINESS

Presentation by Dr. Enrique Martinez on the Diversity Council

Dr. Enrique Martinez, Chief Medical Officer of the Ambulatory and Community Health Network of Cook County, provided the members with a presentation on the Diversity Council. (See Attachment # 1.)

Discussion followed; it was determined that the information presented should be updated and presented to the Committee. Chairman Zopp asked Dr. Martinez to assist Mr. Small in the compilation of the information⁸.

Public Comments

Chairman Zopp asked the Secretary to call upon any registered public speakers.

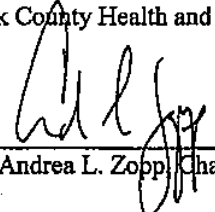
Ms. Santana responded that there were none.

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Adjournment

Director Lyne, seconded by Director Carvalho, moved to adjourn. THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED.

Respectfully submitted,
Human Resources Committee of the
Board of Directors of the
Cook County Health and Hospitals System



Ms. Andrea L. Zopp, Chairman

Attest:



Matthew B. DeLeon, Secretary

The following was requested or was indicated as a follow-up item at this meeting:

- ¹ Request for a list of the professional organizations with whom the System shares information on recruitment efforts and positions available. On page 3. (David Small)
- ² Request for information on salary range planned for the position of the System's head of human resources. On page 3. (David Small)
- ³ Request for a summary of differences in discipline and grievance policies between the collective bargaining agreements. On page 3. (David Small)
- ⁴ (Reminder) Request for David Small to work with Elizabeth Reidy, to review and possibly revise the language with regard to affiliation relationships and dual employment. On page 3.
- ⁵ Request for the following information: the number of full-time and part-time active physicians, the number of physician grievances, and the number of active physicians with a current dual employment form in their file. Additionally, Director Golden requested that the Strategic Planning Committee receive this information. On page 3. (David Small)
- ⁶ Request to provide update on several issues at one of the next Human Resources Committee meetings, including an update on the issue of producing a physician productivity model and the articulation of expectations for physicians. On page 3. (Dr. Jack Raba)
- ⁷ Request that Rule 13.03, Section (b)(2) be revised to remove the word "seriously." On page 4. (David Small)
- ⁸ Request that information regarding diversity be updated and presented to the Committee. On page 4. (Dr. Enrique Martinez and David Small)

CCHHS Board HR Committee Presentation 10/23/2008
Old CCBHS Diversity Committee

1. CCBHS Diversity Task Force Members
2. CCBHS Diversity Task Force Statement, Mission / Role
3. CCBHS Data Collection
4. Future Direction

CCBHS Diversity Task Force

Statement Concerning Medical Staff Representation

1. The Cook County Bureau of Health Services (CCBHS) Diversity Task Force recognizes the importance of achieving cultural and linguistic competence to care for the CCBHS' diverse patient population, and is committed to achieving a diverse, representative staff that well serves patient populations' needs. The CCBHS is committed to hiring, retaining, and promoting under-represented medical staff.
2. The Diversity Task Force supports and recommends the recruitment and hiring of high quality representative medical staff to care for the CCBHS' diverse patient population. The Diversity Task Force supports an open dialogue to raise collective awareness, understanding, and support for the CCBHS' commitment to diversity and equal opportunity.
3. The Diversity Task Force believes that cultural and linguistic skills and competence are important considerations in the context of the recruitment and hiring of medical staff.
4. The Diversity Task Force will broadly disseminate diversity data.
5. The Diversity Task Force will meet with the Chief Operating Officers and Medical Directors of the CCBHS Affiliates and offer their guidance and assistance toward addressing medical staff diversity issues.
6. All CCBHS divisions will prepare a report every six months (due November 30th and May 31st) to document the progress in staff representation. The report will be prepared on a spreadsheet made available by the Diversity Task Force. The report is to include the number of actual vacancies within occupational category or job title, and efforts in recruitment, retention, and promotion of underrepresented minorities. The report may also include a description of other efforts, such as policies or committees established to address medical staff diversity.
7. The Diversity Task Force will report to Bureau Management every six months.
8. The Diversity Task Force expects every CCBHS department/divisions to discuss the importance and need to recruit/hire representative staff with their staff regularly at their department/division meetings.
9. The Diversity Task Force expects that positions posted for hiring or advertised will include the following (or something similar): "Cultural and linguistic skills to care for African-American and Hispanic patients is highly desirable."
10. The Diversity Task Force expects that CCBHS departments/divisions will honor the County affirmative action policy and the Department of Health and Human Services guidelines on staff representation, and will grant interviews to all qualified underrepresented minorities.
11. The Diversity Task Force will identify CCBHS departments/divisions with low staff representation. In conjunction with the medical director and chief operating officer of the

Bureau entity, the Diversity Task Force will expect them to develop an action plan to correct their staff representation shortcomings.

12. The Diversity Task Force expects continued progress from the residency and fellowship programs in staff representation, with annual summer reports made by the program directors to address this matter, sent to the Diversity Task Force. Residencies and fellowship programs have the responsibility to hire staff with cultural and linguistic skills to care for our patient population.
13. The Diversity Task Force supports the J1 waiver process to enhance recruitment of highly skilled and competent physicians, to be used on a case-by-case basis for candidates with representative cultural and linguistic skills. We also support the H1B visa candidates with these skills.
14. The Diversity Task Force will collaborate in developing pipeline programs with organizations and schools, and expects the Bureau hubs and medical staff to do the same.

Diversity Task Force Mission/Role

1. The Cook County Bureau of Health (CCBHS) recognizes that most of the patients seen in our health care facilities are from minority and economically disadvantaged ethnic groups. Health disparities affecting people of color in a negative way are well established in the literature. Organizations like the Office of Minority Health of the Department of Health and Human Services recognize that in order to address these disparities, culturally competent services delivered by a diverse workforce are critical components. Further, federal law demands linguistically specific services to be available. The CCBHS is committed to providing our patient population with culturally and linguistically competent care.
2. The CCBHS will develop and implement a strategy to recruit, retain and promote qualified, diverse and culturally competent administrative, clinical, and support staff that are trained and qualified to address the needs of the racial and ethnic communities served.
3. The CCBHS will develop a comprehensive management strategy to address culturally and linguistically appropriate services, including ongoing education and training of staff.
4. The CCBHS will develop guidelines and recommendations for staff representative goals for the medical departments, and is supportive of all legal requirements and the mission of the Bureau.
5. The CCBHS will work to ensure that the hiring process is not a barrier to recruitment and hiring of minorities.
6. The CCBHS will encourage and sponsor programs to educate under represented groups to enter the health care professions, such as giving seminars in schools and summer job programs for young people.
7. The CCBHS will monitor and track staff representation to reflect and address the needs of the medically underserved population of Cook County.

ALL CCBHS PHYSICIANS 2005

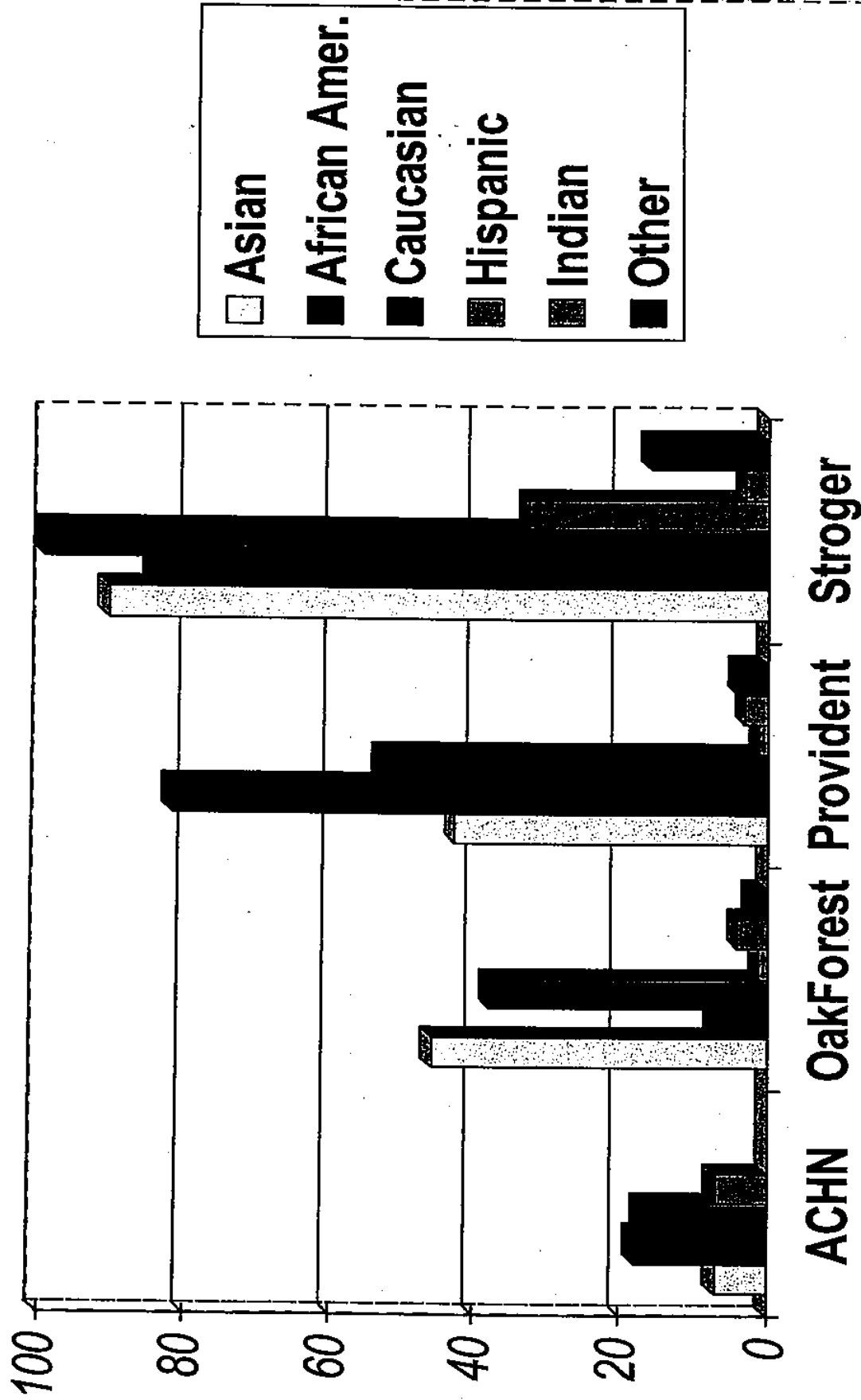
REPORT A

August 2005 Diversity Report (revised 8/25/05)

Numbers	Race/Ethnicity							Total
	Hispanic	Black	Asian	White	Multi-Racial	Other	Unknown	
ACHN	8	23	13	18	0	0	3	65
CCDPH	0	5	7	5	3	0	1	21
Cermak	2	6	3	16	0	4	0	31
CORE	1	2	1	1	1	0	0	6
OFH	1	4	39	21	0	0	1	66
Provident	2	62	32	32	0	0	10	138
Stroger								
Anesthesiology	5	2	4	16	0	0	0	27
Emergency Medicine	1	6	2	36	1	0	0	46
Family Practice	2	5	0	13	0	0	0	20
OB/Gyn	2	3	5	9	1	0	1	21
Pathology	2	2	2	6	0	0	4	16
Pediatrics	1	4	17	15	4	0	2	43
Psychiatry	1	1	2	5	0	0	1	10
Radiology	0	1	7	19	0	0	0	27
Trauma	0	2	3	3	0	0	0	8
Medicine Subspecialties	5	5	15	66	0	0	0	91
Internal Medicine	2	14	26	29	0	0	1	72
Surgery	4	7	10	55	0	1	20	97
All Stroger Total	25	52	93	272	6	1	29	478
CCBHS Grand Total	39	154	188	365	10	5	44	805

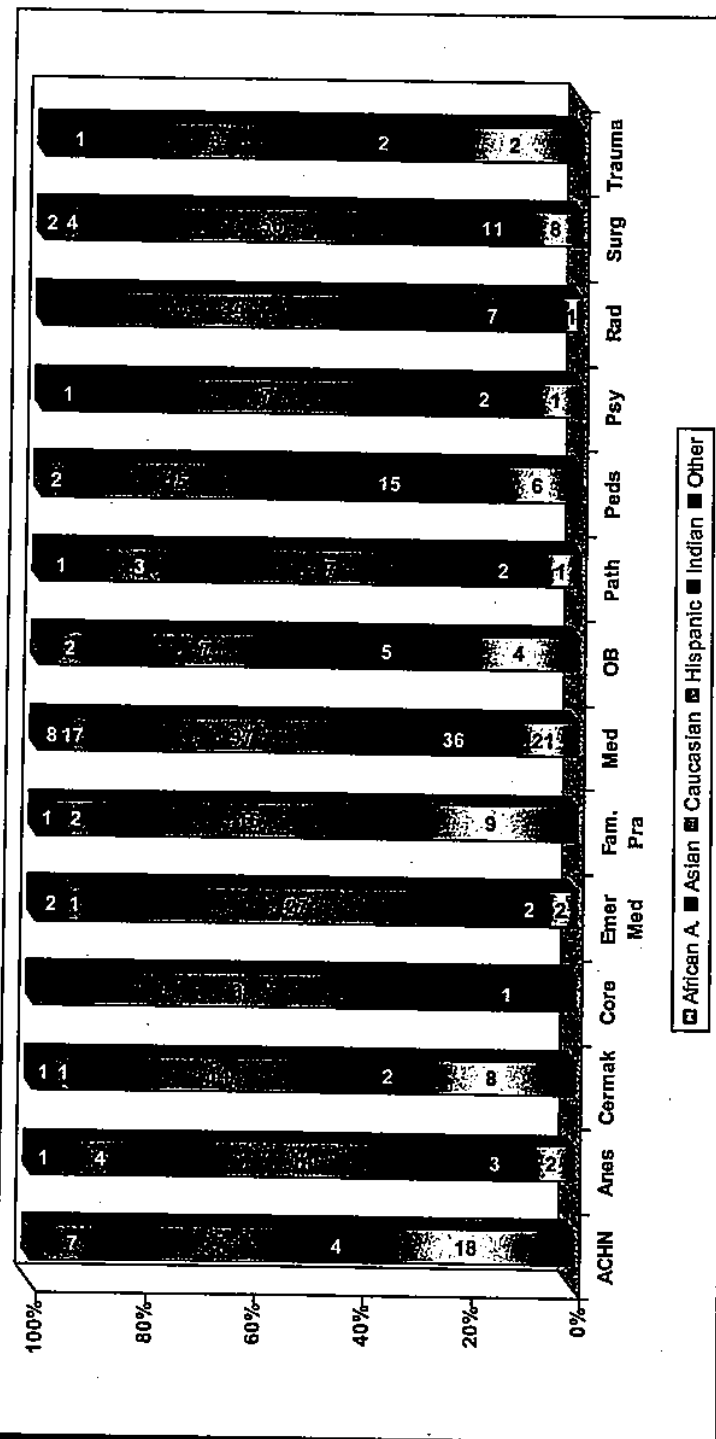
Percents	Race/Ethnicity						
	Hispanic	Black	Asian	White	Multi-Racial	Other	Unknown
ACHN	12.3%	35.4%	20.0%	27.7%	0.0%	0.0%	4.6%
CCDPH	0.0%	23.8%	33.3%	23.8%	14.3%	0.0%	4.8%
Cermak	6.5%	19.4%	9.7%	51.6%	0.0%	12.9%	0.0%
CORE	16.7%	33.3%	16.7%	16.7%	16.7%	0.0%	0.0%
OFH	1.5%	6.1%	59.1%	31.8%	0.0%	0.0%	1.5%
Provident	1.4%	44.9%	23.2%	23.2%	0.0%	0.0%	7.2%
Stroger							
Anesthesiology	18.5%	7.4%	14.8%	59.3%	0.0%	0.0%	0.0%
Emergency Medicine	2.2%	13.0%	4.3%	78.3%	2.2%	0.0%	0.0%
Family Practice	10.0%	25.0%	0.0%	65.0%	0.0%	0.0%	0.0%
OB/Gyn	9.5%	14.3%	23.8%	42.9%	4.8%	0.0%	4.8%
Pathology	12.5%	12.5%	12.5%	37.5%	0.0%	0.0%	25.0%
Pediatrics	2.3%	9.3%	39.5%	34.9%	9.3%	0.0%	4.7%
Psychiatry Percent	10.0%	10.0%	20.0%	50.0%	0.0%	0.0%	10.0%
Radiology Percent	0.0%	3.7%	25.9%	70.4%	0.0%	0.0%	0.0%
Trauma Percent	0.0%	25.0%	37.5%	37.5%	0.0%	0.0%	0.0%
Medicine Subspecialties	5.5%	5.5%	16.5%	72.5%	0.0%	0.0%	0.0%
Internal Medicine	2.8%	19.4%	36.1%	40.3%	0.0%	0.0%	1.4%
Surgery	4.1%	7.2%	10.3%	56.7%	0.0%	1.0%	20.6%
All Stroger	5.2%	10.9%	19.5%	56.9%	1.3%	0.2%	6.1%
CCBHS Grand Total	4.8%	19.1%	23.4%	45.3%	1.2%	0.6%	5.5%

August 2006 Diversity Report



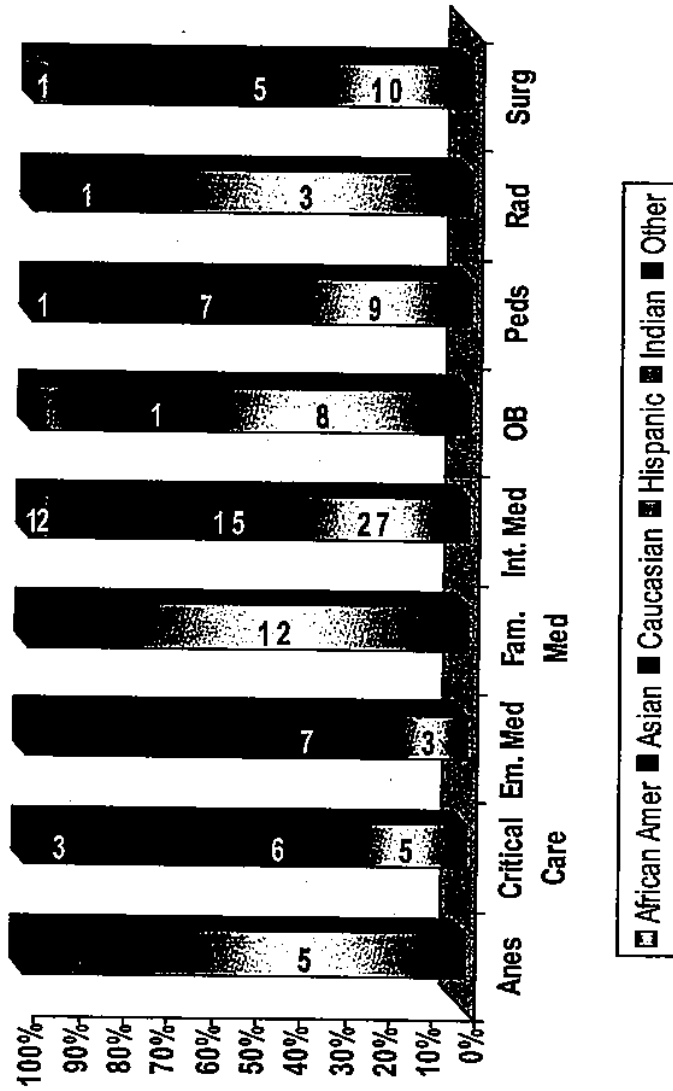
Stroger Hospital of Cook County August 2006 Departmental Diversity Report

DEPT	TOTAL STAFF	Out of Total Staff NO Ethnic Info
ACHN	95	49
Anes	43	19
Cermak	69	43
Core	24	20
Emer. Med	52	18
Fam. Prac	43	15
Med	287	117
OB	39	21
Path	23	9
Peds	89	51
Psych	27	16
Rad	40	13
Surg	170	89
Trauma	14	6



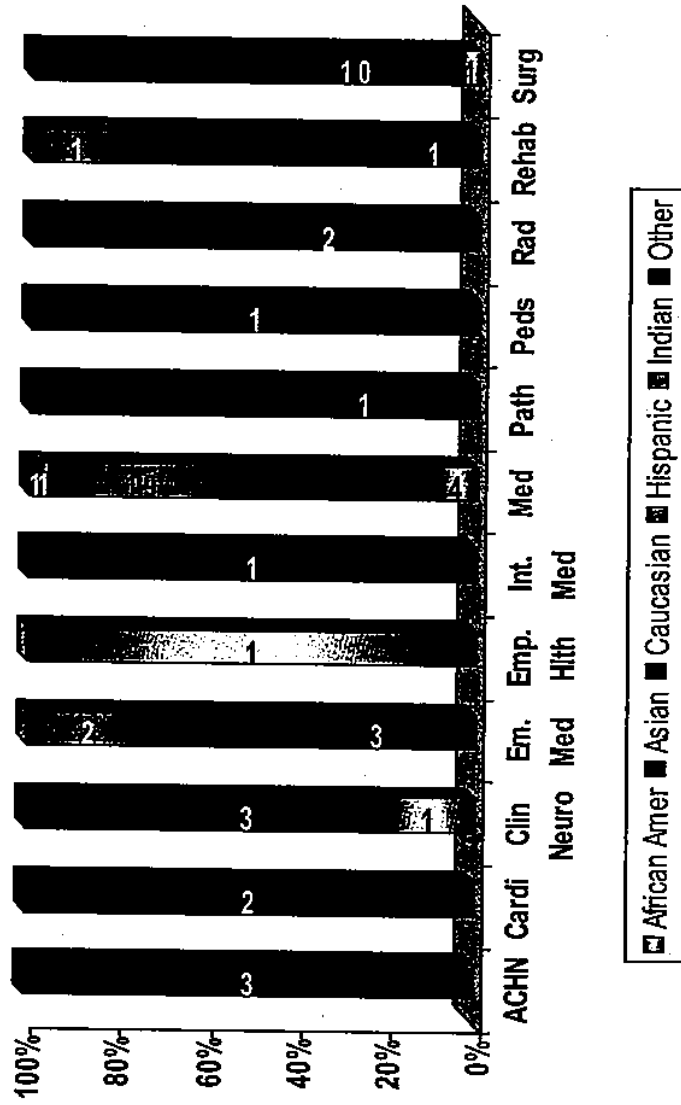
Provident Hospital of Cook County August 2006 Departmental Diversity Report

DEPT	TOTAL STAFF	Out of Total Staff NO Ethnic Info
Anes	7	0
Critical Care	27	8
Emer. Med	19	1
Family Med	24	10
Int. Med	75	11
OB	16	4
Peds	32	11
Rad	6	2
Surg	30	4



Oak Forest Hospital of Cook County August 2006 Departmental Diversity Report

DEPT	TOTAL STAFF	Out of Total Staff NO Ethnic Info
ACHN	6	3
Anes	2	2
Cardio	2	0
Clin. Neuro	5	0
Emer Med	13	6
Empl. Health	2	1
Int. Med	1	0
Med	56	11
Path	3	1
Peds	1	0
Rad	3	0
Rehab	5	0
Surg.	29	7



August 2006 Diversity Report

	ACHN	OakForest	Provident	Stroger
Asian	7	46	43	91
African Amer.	18	7	82	85
Caucasian	17	38	53	290
Hispanic	7	1	1	33
Indian		4	3	3
Other		2	4	16

Stroger Hospital Housestaff: Diversity Report - 2004-5 Year

Account	FTE	Hispanic/Latino Ethnic Origin										Race										Other										TOTAL
		Latino subtotal	non-Latino subtotal	Mexican	Other Latin American	Puerto Rican	Cuban American	South American	Central American	Other Spanish	African American	Asian	Other Asian	African American	Chinese	Filipino	Indian	Japanese	Korean	Vietnamese	Pakistani	Southeast Asian	Other Asian	White	Other White	Black	Hispanic	Other Hispanic	Other	Other	Other	
ANESTHESIA	27	3	24				2	1										5														27
ANESPAIN	3	3																														3
EMERGENCY MED	55	2	53				1	1										5		3	2	1	1									55
FAMILY PRACTICE	10	2	8															1														10
INTERNAL MEDICINE	140	22	118															5														140
IM/CARD	10	1	9															3														10
IM/GI	8	1	7															2														8
IM/IDERM	8	1	7															2														8
IM/IMMUNOC	8	1	7															1														8
IM/PMCC	8	1	7															1														8
GEN MED	2	2																2														2
TOXICOLOGY	1	1																1														1
PATHOLOGY	9	9																1														9
OB/GYN	19	3	16															3		1												19
PEDIATRICS	41	5	36															13														41
PD/NEONATOLOGY	5	5																3														5
RADIOLOGY	16	2	14															3		1												16
SURGERY/CC	1	1																														1
OPHTH	9	9																2		1												9
SURGICAL	8	8																1														8
COLON RECTAL	2	2																1														2
UROLOGY	2	2																1														2
TRAUMA	2	2																														2
TOTAL	390	42	348	3	5	5	5	5	5	5	16	23	21	14	100	0	7	3	24	3	6	87	27	13	1	0	0	0	0	0	0	390

CCBHS Diversity Report 2005: Reported Languages Spoken by Physicians*

Spanish:	107
India languages / dialects:	
> Hindi:	45
> Urdu:	24
> Gujarati:	9
> Punjabi:	8
> Marathi	6
Arabic	22
Filipino/Tagalog:	19
French:	14
Russian:	11
Polish:	8
Farsi:	8
Greek:	6
Korean	6
Italian:	5

Total # of physicians in CCBHS reported: 812

* Only languages spoken by at least 5 physicians are reported.

ACHW 2004
12/03 → 11/04

- Unique users not
double counted

Race/Ethnicity	Count	Percent
African	2,396	1.24
American Indian/Alaska Native	167	0.09
Asian	2,304	1.19
Asian-Chinese	816	0.42
Asian-Filipino	2,209	1.14
Asian-Indian	2,561	1.32
Asian-Japanese	552	0.29
Asian-Korean	267	0.14
Asian-Pakistani	629	0.32
Asian-Thai	86	0.04
Asian-Vietnamese	71	0.04
Black/African American	92,742	47.89
C	6	0.00
Caribbean	426	0.22
European	665	0.34
Hispanic-Guatemalan	3,792	1.96
Hispanic-Mexican	53,183	27.46
Hispanic-Puerto Rican	2,764	1.43
Hispanic-South American	1,865	0.96
Latino	560	0.29
Middle Eastern	617	0.32
Multi-Ethnic	44	0.02
Multiracial-American Indian + White	372	0.19
Multiracial-Asian + White	17	0.01
Multiracial-Black + American Indian/Alas	18	0.01
Multiracial-Black + Asian	8	0.00
Multiracial-Black + White	18	0.01
Multiracial-Other	87	0.04
Native Hawaiian/Pacific Islander	62	0.03
NULL	60	0.03
Other single race	8,821	4.55
Unknown	277	0.14
White	15,198	7.85
Total	193,660	100.00

African = 1.24%

Total
Asian = 4.9%

AA = 47.89%

Hispanic = 32.1%

White = 7.85%

Medical
MSA
Stefan

The U.S. Equal Employment Opportunity Commission

EEO-1 JOINT REPORTING COMMITTEE

- Equal Employment Opportunity Commission
- Office of Federal Contract Compliance Programs

O.M.B. No. 3046-0007
Approval Expires 1/2009

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

WASHINGTON, D.C. 20507

EQUAL EMPLOYMENT OPPORTUNITY

STANDARD FORM 100, REV. January 2006, EMPLOYER INFORMATION REPORT EEO-1

INSTRUCTION BOOKLET

The Employer Information EEO-1 survey is conducted annually under the authority of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, et. seq., as amended. All employers with 15 or more employees are covered by Title VII and are required to keep employment records as specified by Commission regulations. Based on the number of employees and federal contract activities, certain large employers are required to file an EEO-1 report on an annual basis.

See the Appendix for the applicable provisions of the law, Section 709(c) of Title VII, and the applicable regulations, Sections 1602.7-1602.14, Chapter XIV, Title 29 of the Code of Federal Regulations. State and local governments, school systems and educational institutions are covered by other employment surveys and are excluded from Standard Form 100, Employer Information Report EEO-1.

In the interests of consistency, uniformity and economy, Standard Form 100 has been jointly developed by the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs of the U. S. Department of Labor, as a single form which meets the statistical needs of both programs. In addition, this form should be a valuable tool for companies to use in evaluating their own internal programs for insuring equal employment opportunity.

As stated above, the filing of Standard Form 100 is required by law; it is not voluntary. Under section 709(c) of Title VII, the Equal Employment Opportunity Commission may compel an employer to file this form by obtaining an order from the United States District Court.

Under Section 209(a) of Executive Order 11246, the penalties for failure by a federal contractor or subcontractor to comply may include termination of the federal government contract and debarment from future federal contracts.

1. WHO MUST FILE

Standard Form 100 must be filed by --

(A) All private employers who are: (1) subject to Title VII of the Civil Rights Act of 1964, as amended, with 100 or more employees **EXCLUDING** State and local governments, primary and secondary school systems, institutions of higher education, Indian tribes and tax-exempt private membership clubs other than labor organizations; OR (2) subject to Title VII who have fewer than 100 employees if the company is owned or affiliated with another company, or there is centralized ownership, control or management (such as central control of personnel policies and labor relations) so that the group legally constitutes a single enterprise, and the entire enterprise employs a total of 100 or more employees.

(B) All federal contractors (private employers), who: (1) are not exempt as provided for by 41 CFR 60-1.5; (2) have 50 or more employees; **and** (a) are prime contractors or first-tier subcontractors, and have a contract, subcontract, or purchase order amounting to \$50,000 or more; or (b) serve as a depository of government funds in any amount, or (c) is a financial institution which is an issuing and paying agent for U.S. Savings Bonds and Notes.

Only those establishments located in the District of Columbia and the 50 states are required to submit Standard Form 100. No reports should be filed for establishments in Puerto Rico, the Virgin Islands or other American Protectorates.

2. HOW TO FILE

Note: Submission of EEO-1 data through the *EEO-1 Online Filing System* or as an electronically transmitted data file is strongly preferred. See paragraph 6, EEO-1 Alternate Reporting Formats.

Single-establishment employers, i.e., employers doing business at only one establishment in one location must complete a single EEO-1 online data record or submit a single EEO-1 paper report.

Multi-establishment employers, i.e., employers doing business at more than one establishment, must complete online: (1) a report covering the principal or headquarters office; (2) a separate report for EACH establishment employing 50 or more persons; and (3) a separate report (Type 8 record) for each establishment employing fewer than 50 employees, OR an Establishment List (Type 6 record), showing the name, address, and total employment for each establishment employing fewer than 50 persons, including a Type 6 employment data grid that combines all employees working at establishments employing fewer than 50 employees by race, sex, and job category. For the EEO-1 online application, keyed employment data automatically transfers to the overall Consolidated Report.

The total number of employees indicated on the headquarters report, **PLUS** the establishment reports, **PLUS** the list of establishments employing fewer than 50 employees, **MUST** equal the total number of employees shown on the Consolidated Report.

Employment data for multi-establishment companies, including parent corporations and their subsidiary holdings, must report all employees working at each company establishment or subsidiary establishment. For the purposes of this report, the term **parent corporation** refers to any corporation which owns all or the majority stock of another corporation so that the latter relates to it as a subsidiary.

3. WHEN TO FILE

This annual report must be filed not later than September 30. Employment figures from any pay period in July through September may be used.

4. WHERE TO FILE [Paper EEO-1 form(s) ONLY]

Mail one copy to the address indicated in the annual survey mailout memorandum.

5. REQUESTS FOR INFORMATION AND SPECIAL PROCEDURES

An employer who claims that preparation or the filing of Standard Form 100 would create undue hardship may apply to the Commission for a special reporting procedure. In such cases, the employer must submit **in writing** a detailed alternative proposal for compiling and reporting information to: **The EEO-1 Coordinator, EEOC-Survey Division, 1801 L Street, NW, Washington, DC 20507.**

Only those special procedures approved **in writing** by the Commission are authorized. Such authorizations remain in effect until notification of cancellation is given. All requests for information should be sent to the address above.

6. EEO-1 ALTERNATE REPORTING FORMATS

EEO-1 reporting is an electronic, online application. Pursuant to the Government Paperwork Elimination Act of 1998, we **STRONGLY** recommend that EEO-1 reports be submitted via the *EEO-1 Online Filing System*, or as an electronically transmitted data file. A copy of the **prescribed** EEO-1 data file format is available at the website address in the survey mailout memorandum; or by calling the telephone number or writing to the address in the survey mailout memorandum. *Paper EEO-1 forms will be generated on request **only**, in extreme cases where Internet access is not available to the employer.* An EEO-1 report submitted on paper must be prepared following the directions in paragraph 2, HOW TO FILE.

7. CONFIDENTIALITY

All reports and information from individual reports will be kept confidential, as required by Section 709 (e) of Title VII. Only data aggregating information by industry or area, in such a way as not to reveal any particular employers statistics, will be made public. The prohibition against disclosure mandated by Section 709(e) does not apply to the Office of Federal Contract Compliance Programs and contracting agencies of the federal government which require submission of SF 100 pursuant to Executive Order 11246. Reports from prime contractors and subcontractors doing business with the federal government may not be confidential under Executive Order 11246.

8. ESTIMATE OF BURDEN

Public reporting burden for this collection of information is estimated to average three and five tenths (3.5) hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. A response is defined as one survey form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to:

The EEOC Clearance Officer
Office of the Chief Financial Officer and Administrative Services -- Room 2100
1801 L Street, N.W.
Washington, D.C. 20507

AND

Paperwork Reduction Project (3046-0007)
Office of Management and Budget
Washington, D.C. 20503

The full text of the OMB regulations may be found at 5 CFR Part 1320. **PLEASE DO NOT SEND YOUR COMPLETED REPORT TO EITHER OF THESE ADDRESSES.**

EEO-1 Terms Applicable To All Reporting Formats

Type of Report (Status Code)

1 Single-establishment company

Multi-establishment company

- 2 Consolidated Report (Required)
- 3 Headquarters Report (Required)
- 4 Establishment Report (50 or more employees)
- 6 Establishment List (Option 1)
- 8 Establishment Report (less than 50 employees) (Option 2)

Company Identification

Refers to the company name and address of the headquarters office of the multi-establishment company (Report Types 2 and 3); or the establishment name and address.

Employers Who Are Required To File

Questions 1, 2 and 3 **MUST** be answered by all employers. If the answer to Question C-3 is Yes, please enter the company's Dun and Bradstreet identification number if the company has one. If the answer is Yes to question 1, 2, or 3, complete the entire form. Otherwise skip to Section G.

Employment Data

Employment data must include **ALL** full-time and part-time employees who were employed during the selected payroll period, except those employees specifically excluded as indicated in the Appendix. Employees must be counted by sex and race or ethnic category for each of the ten occupational categories and subcategories. See Appendix for detailed explanation of job categories and race and ethnic identification.

Every employee must be accounted for in one and **ONLY** one of the categories in Columns A thru N.

Occupational Data Employment data must be reported by job category. Report each employee in only one job category. In order to simplify and standardize the method of reporting, all jobs are considered as belonging in one of the broad occupations shown in the table. To assist you in determining where to place your jobs within the occupational categories, a description of job categories is in the **EEO-1 Job Classification Guide** or you may consult the EEO-1-Census Codes Cross Walk on the Commission's web site. For further clarification, you may wish to consult the Alphabetical and Classified Indices of Industries and Occupations (2000 Census) published by the U.S. Department of Commerce, Census Bureau.

Establishment Information

The major activity should be sufficiently descriptive to identify the industry and product produced or service provided. If an establishment is engaged in more than one activity, describe the activity at which the **greatest** number of employees work.

The description of the major activity indicated on the Headquarters Report (Type 3) must reflect the dominant economic activity of the company in which the greatest number of employees are engaged.

Remarks

Include in this section any remarks, explanations, or other pertinent information regarding this report.

Certification

If all reports have been completed at headquarters, the authorized official should check Item 1 and sign the Consolidated Report only. If the reports have been completed by the individual establishments, the authorized official should check Item 2 and sign the establishment report.

APPENDIX

1. DEFINITIONS APPLICABLE TO ALL EMPLOYERS

- a. "Commission" refers to the Equal Employment Opportunity Commission.
- b. "OFCCP" refers to the Office of Federal Contract Compliance Programs, U.S. Department of Labor, established to implement Executive Order 11246, as amended.
- c. "Joint Reporting Committee" is the committee representing the Commission and OFCCP for the purpose of administering this report system.
- d. "Employer" under Section 701(b), Title VII of the Civil Rights Act of 1964, as amended, means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include the United States, a corporation wholly owned by the government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of Title 5 of the United States Code), or a bona fide private membership club (other than a labor organization) which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954; OR any person or entity subject to Executive Order 11246 who is a federal government prime contractor or subcontractor at any tier (including a bank or other establishment serving as a depository of federal government funds, or an issuing and paying agent of U.S. Savings Bonds and Notes, or a holder of a federal government bill of lading) or a federally-assisted construction prime contractor or subcontractor at any tier.
- e. "Employee" means any individual on the payroll of an employer who is an employee for purposes of the employers withholding of Social Security taxes except insurance sales agents who are considered to be employees for such purposes solely because of the provisions of 26 USC 3121 (d) (3) (B) (the Internal Revenue Code). Leased employees are included in this definition. Leased Employee means a permanent employee provided by an employment agency for a fee to an outside company for which the employment agency handles all personnel tasks including payroll, staffing, benefit payments and compliance reporting. The employment agency shall, therefore, include leased employees in its EEO-1 report. The term employee SHALL NOT include persons who are hired on a casual basis for a specified time, or for the duration of a specified job (for example, persons at a construction site whose employment relationship is expected to terminate with the end of the employees work at the site); persons temporarily employed in any industry other than construction, such as temporary office workers, mariners, stevedores, lumber yard workers, etc., who are hired through a hiring hall or other referral arrangement, through an employee contractor or agent, or by some individual hiring arrangement, or persons (**EXCEPT** leased employees) on the payroll of an employment agency who are referred by such agency for work to be performed on the premises of another employer under that employers direction and control.

It is the opinion of the General Counsel of the Commission that Section 702, Title VII of the Civil Rights Act of 1964, as amended, does not authorize a complete exemption of religious organizations from the coverage of the Act or of the reporting requirements of the Commission. The exemption for religious organizations applies to discrimination on the basis of religion. Therefore, since the Standard Form 100 does not provide for information as to the religion of employees, religious organizations must report all information required by this form.

f. "Commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

g. "Industry Affecting Commerce" means any activity, business or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry affecting commerce within the meaning of the Labor Management Reporting and Disclosure Act of 1959. Any employer of 15 or more persons is presumed to be in an industry affecting commerce.

h. "Establishment" is an economic unit which produces goods or services, such as a factory, office, store, or mine. In most instances, the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity. (definition adapted from the ***North American Industry Classification System, 2002***).

Units at different physical locations, even though engaged in the same kind of business operation, must be reported as separate establishments. For locations involving construction, transportation, communications, electric, gas, and sanitary services, oil and gas fields, and similar types of physically dispersed industrial activities, however, it is not necessary to list separately each individual site, project, field, line, etc., unless it is treated by you as a separate legal entity. For these types of activities, list as establishments only those relatively permanent main or branch offices, terminals, stations etc., which are either: (a) directly responsible for supervising such dispersed activities; or (b) the base from which personnel and equipment operate to carry out these activities. (Where these dispersed activities cross State lines, at least one such establishment should be listed for each State involved.)

i. "Major Activity" means the major product or group of products produced or handled, or services rendered by the reporting unit (e.g., manufacturing airplane parts, retail sales of office furniture) in terms of the activity at which the greatest number of all employees work. The description includes the type of product manufactured or sold or the type of service provided.

2. DEFINITIONS APPLICABLE ONLY TO GOVERNMENT CONTRACTORS SUBJECT TO EXECUTIVE ORDER 11246

a. "Order" means Executive Order 11246, as amended.

b. "Contract" means any government contract or any federally-assisted construction contract.

c. "Prime Contractor" means any employer having a government contract or any federally-assisted construction contract, or any employer serving as a depository of federal government funds.

d. "Subcontractor" means any employer having a contract with a prime contractor or another subcontractor calling for supplies or services required for the performance of a government contract or federally assisted construction contract.

e. "Contracting Agency" means any department, agency and establishment in the executive branch of the government, including any wholly-owned government corporation, which enters into contracts.

f. "Administering Agency" means any department, agency and establishment in the executive branch of the government, including any wholly-owned government corporation, which administers a program involving federally-assisted construction contracts.

3. RESPONSIBILITIES OF PRIME CONTRACTORS

a. At the time of an award of a subcontract subject to these reporting requirements, the prime contractor shall inform the subcontractor of its responsibility to submit annual EEO-1 employment data in accordance with these instructions.

b. If prime contractors are required by their Contracting Officer or subcontractors by their prime contractors, to submit notification of filing, they shall do so by ordinary correspondence. However, such notification is not required by and should not be sent to the Joint Reporting Committee.

4. RACE AND ETHNIC IDENTIFICATION

Self-identification is the preferred method of identifying the race and ethnic information necessary for the EEO-1 report. Employers are required to attempt to allow employees to use self-identification to complete the EEO-1 report. If an employee declines to self-identify, employment records or observer identification may be used.

Where records are maintained, it is recommended that they be kept separately from the employees basic personnel file or other records available to those responsible for personnel decisions.

Race and ethnic designations as used by the Equal Employment Opportunity Commission do not denote scientific definitions of anthropological origins. Definitions of the race and ethnicity categories are as follows:

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

White (Not Hispanic or Latino) - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Black or African American (Not Hispanic or Latino) - A person having origins in any of the black racial groups of Africa.

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Asian (Not Hispanic or Latino) - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

American Indian or Alaska Native (Not Hispanic or Latino) - A person having origins in any of the original peoples of North and South America (Including Central America), and who maintain tribal affiliation or community attachment.

Two or More Races (Not Hispanic or Latino) - All persons who identify with more than one of the above five races.

Instructions for assigning employees into the race/ethnic categories:

Hispanic or Latino - Include all employees who answer YES to the question, Are you Hispanic or Latino. Report all Hispanic males in Column A and Hispanic females in Column B.

White (Not Hispanic or Latino) - Include all employees who identify as White males in Column C and as White females in Column I.

Black or African American (Not Hispanic or Latino) - Include all employees who identify as Black

males in Column D and as Black females in Column J.

Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) - Include all employees who identify as Native Hawaiian or Other Pacific Islander males in Column E and as Native Hawaiian or Other Pacific Islander females in Column K.

Asian (Not Hispanic or Latino) - Include all employees who identify as Asian males in Column F and as Asian females in Column L.

American Indian or Alaska Native (Not Hispanic or Latino) - Include all employees who identify as American Indian or Alaska Native males in Column G and as American Indian or Alaska Native females in Column M.

Two or More Races (Not Hispanic or Latino) - Report all male employees who identify with more than one of the above five races in Column H and all female employees who identify with more than one of the above five races in Column N.

As to the method of collecting data, the basic principles for ethnic and racial self-identification for purposes of the EEO-1 report are:

- (1) Offer employees the opportunity to self-identify
- (2) Provide a statement about the voluntary nature of this inquiry for employees. For example, language such as the following may be used (employers may adapt this language):

"The employer is subject to certain governmental recordkeeping and reporting requirements for the administration of civil rights laws and regulations. In order to comply with these laws, the employer invites employees to voluntarily self-identify their race or ethnicity. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information obtained will be kept confidential and may only be used in accordance with the provisions of applicable laws, executive orders, and regulations, including those that require the information to be summarized and reported to the federal government for civil rights enforcement. When reported, data will not identify any specific individual."

5. DESCRIPTION OF JOB CATEGORIES

The major job categories are listed below, including a brief description of the skills and training required for occupations in that category and examples of the job titles that fit each category. The examples shown below are illustrative and not intended to be exhaustive of all job titles in a job category. These job categories are primarily based on the average skill level, knowledge, and responsibility involved in each occupation within the job category.

The Officials and Managers category as a whole is to be divided into the following two subcategories: Executive/Senior Level Officials and Managers and First/Mid Level Officials and Managers. These subcategories are intended to mirror the employers own well established hierarchy of management positions. Small employers who may not have two well-defined hierarchical steps of management should report their management employees in the appropriate categories.

Executive/Senior Level Officials and Managers. Individuals who plan, direct and formulate policies, set strategy and provide the overall direction of enterprises/organizations for the development and delivery of products or services, within the parameters approved by boards of directors or other governing bodies. Residing in the highest levels of organizations, these executives plan, direct or coordinate activities with the support of subordinate executives and staff managers. They include, in larger organizations, those individuals within two reporting levels of the CEO, whose responsibilities require frequent interaction with the CEO. Examples of these kinds of managers are: chief executive

officers, chief operating officers, chief financial officers, line of business heads, presidents or executive vice presidents of functional areas or operating groups, chief information officers, chief human resources officers, chief marketing officers, chief legal officers, management directors and managing partners.

First/Mid Level Officials and Managers. Individuals who serve as managers, other than those who serve as Executive/Senior Level Officials and Managers, including those who oversee and direct the delivery of products, services or functions at group, regional or divisional levels of organizations. These managers receive directions from the Executive/Senior Level management and typically lead major business units. They implement policies, programs and directives of executive/senior management through subordinate managers and within the parameters set by Executive/Senior Level management. Examples of these kinds of managers are: vice presidents and directors, group, regional or divisional controllers; treasurers; human resources, information systems, marketing, and operations managers. The First/Mid Level Officials and Managers subcategory also includes those who report directly to middle managers. These individuals serve at functional, line of business segment or branch levels and are responsible for directing and executing the day-to-day operational objectives of enterprises/organizations, conveying the directions of higher level officials and managers to subordinate personnel and, in some instances, directly supervising the activities of exempt and non-exempt personnel. Examples of these kinds of managers are: first-line managers; team managers; unit managers; operations and production managers; branch managers; administrative services managers; purchasing and transportation managers; storage and distribution managers; call center or customer service managers; technical support managers; and brand or product managers.

Professionals. Most jobs in this category require bachelor and graduate degrees, and/or professional certification. In some instances, comparable experience may establish a person's qualifications. Examples of these kinds of positions include: accountants and auditors; airplane pilots and flight engineers; architects; artists; chemists; computer programmers; designers; dietitians; editors; engineers; lawyers; librarians; mathematical scientists; natural scientists; registered nurses; physical scientists; physicians and surgeons; social scientists; teachers; and surveyors.

Technicians. Jobs in this category include activities that require applied scientific skills, usually obtained by post secondary education of varying lengths, depending on the particular occupation, recognizing that in some instances additional training, certification, or comparable experience is required. Examples of these types of positions include: drafters; emergency medical technicians; chemical technicians; and broadcast and sound engineering technicians.

Sales Workers. These jobs include non-managerial activities that wholly and primarily involve direct sales. Examples of these types of positions include: advertising sales agents; insurance sales agents; real estate brokers and sales agents; wholesale sales representatives; securities, commodities, and financial services sales agents; telemarketers; demonstrators; retail salespersons; counter and rental clerks; and cashiers.

Administrative Support Workers. These jobs involve non-managerial tasks providing administrative and support assistance, primarily in office settings. Examples of these types of positions include: office and administrative support workers; bookkeeping; accounting and auditing clerks; cargo and freight agents; dispatchers; couriers; data entry keyers; computer operators; shipping, receiving and traffic clerks; word processors and typists; proofreaders; desktop publishers; and general office clerks.

Craft Workers (formerly Craft Workers (Skilled)). Most jobs in this category include higher skilled occupations in construction (building trades craft workers and their formal apprentices) and natural resource extraction workers. Examples of these types of positions include: boilermakers; brick and stone masons; carpenters; electricians; painters (both construction and maintenance); glaziers; pipelayers, plumbers, pipefitters and steamfitters; plasterers; roofers; elevator installers; earth drillers; derrick operators; oil and gas rotary drill operators; and blasters and explosive workers. This category also includes occupations related to the installation, maintenance and part replacement of equipment, machines and tools, such as: automotive mechanics; aircraft mechanics; and electric and electronic

equipment repairers. This category also includes some production occupations that are distinguished by the high degree of skill and precision required to perform them, based on clearly defined task specifications, such as: millwrights; etchers and engravers; tool and die makers; and pattern makers.

Operatives (formerly Operatives (Semi-skilled)). Most jobs in this category include intermediate skilled occupations and include workers who operate machines or factory-related processing equipment. Most of these occupations do not usually require more than several months of training. Examples include: textile machine workers; laundry and dry cleaning workers; photographic process workers; weaving machine operators; electrical and electronic equipment assemblers; semiconductor processors; testers, graders and sorters; bakers; and butchers and other meat, poultry and fish processing workers. This category also includes occupations of generally intermediate skill levels that are concerned with operating and controlling equipment to facilitate the movement of people or materials, such as: bridge and lock tenders; truck, bus or taxi drivers; industrial truck and tractor (forklift) operators; parking lot attendants; sailors; conveyor operators; and hand packers and packagers.

Laborers and Helpers (formerly Laborers (Unskilled)). Jobs in this category include workers with more limited skills who require only brief training to perform tasks that require little or no independent judgment. Examples include: production and construction worker helpers; vehicle and equipment cleaners; laborers; freight, stock and material movers; service station attendants; construction laborers; refuse and recyclable materials collectors; septic tank servicers; and sewer pipe cleaners.

Service Workers. Jobs in this category include food service, cleaning service, personal service, and protective service activities. Skill may be acquired through formal training, job-related training or direct experience. Examples of food service positions include: cooks; bartenders; and other food service workers. Examples of personal service positions include: medical assistants and other healthcare support positions; hairdressers; ushers; and transportation attendants. Examples of cleaning service positions include: cleaners; janitors; and porters. Examples of protective service positions include: transit and railroad police and fire fighters; guards; private detectives and investigators.

6. LEGAL BASIS FOR REQUIREMENTS

SECTION 709(c), TITLE VII, CIVIL RIGHTS ACT OF 1964, AS AMENDED

Recordkeeping; reports

Every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States District Court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States District Court for the district in which such person is found, resides, or transacts business, shall, upon application

of the Commission, or the Attorney General in a case involving a government, governmental agency or political subdivision, have jurisdiction to issue to such person an order requiring him to comply.

TITLE 29, CHAPTER XIV CODE OF FEDERAL REGULATIONS

NOTE: A few aspects of the following regulations will need to be revised to conform with the EEO-1 Report to be used beginning with the 2007 reporting period.

Subpart B -- Employer Information Report

§1602.7 Requirement for filing of report.

On or before September 30 of each year, every employer that is subject to Title VII of the Civil Rights Act of 1964, as amended, and that has 100 or more employees, shall file with the Commission or its delegate executed copies of Standard Form 100, as revised (otherwise known as "Employer Information Report EEO-1"), in conformity with the directions set forth in the form and accompanying instructions. Notwithstanding the provisions of §1602.14, every such employer shall retain at all times at each reporting unit, or at company or divisional headquarters, a copy of the most recent report filed for each such unit and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710 of Title VII. Appropriate copies of Standard Form 100 in blank will be supplied to every employer known to the Commission to be subject to the reporting requirements, but it is the responsibility of all such employers to obtain necessary supplies of the form from the Commission or its delegate prior to the filing date.

§1602.8 Penalty for making of willfully false statements on report.

The making of willfully false statements on Report EEO-1 is a violation of the United States Code, Title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

§1602.9 Commission's remedy for employers failure to file report.

Any employer failing or refusing to file Report EEO-1 when required to do so may be compelled to file by order of a U.S. District Court, upon application of the Commission.

§1602.10 Employers exemption from reporting requirements.

If an employer claims that the preparation or filing of the report would create undue hardship, the employer may apply to the Commission for an exemption from the requirements set forth in this part, according to instruction 5. If an employer is engaged in activities for which the reporting unit criteria described in section 5 of the instructions are not readily adaptable, special reporting procedures may be required. If an employer seeks to change the date for filing its Standard Form 100 or seeks to change the period for which data are reported, an alternative reporting date or period may be permitted. In such instances, the employer should so advise the Commission by submitting to the Commission or its delegate a specific written proposal for an alternative reporting system prior to the date on which the report is due.

§1602.11 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the Employer Information Report EEO-1, about the employment practices of individual employers or groups of employers whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of Title VII or the Americans with Disabilities Act (ADA). Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of Title VII or section 107 of the ADA and as otherwise prescribed by law.

Subpart C--Recordkeeping by Employers

§1602.12 Records to be made or kept.

The Commission has not adopted any requirement, generally applicable to employers, that records be made or kept. It reserves the right to impose recordkeeping requirements upon individual employers or groups of employers subject to its jurisdiction whenever, in its judgment, such records (a) are necessary for the effective operation of the EEO-1 reporting system or of any special or supplemental reporting system as described above; or (b) are further required to accomplish the purposes of Title VII or the ADA. Such recordkeeping requirements will be adopted in accordance with the procedures referred to in section 709(c) of Title VII, or section 107 of the ADA, and otherwise prescribed by law.

§1602.13 Records as to racial or ethnic identity of employees.

Employers may acquire the information necessary for completion of items 5 and 6 of Report EEO-1 either by visual surveys of the work force, or at their option, by the maintenance of post-employment records as to the identity of employees where the same is permitted by State law. In the latter case, however, the Commission recommends the maintenance of a permanent record as to the racial or ethnic identity of an individual for purpose of completing the report form only where the employer keeps such records separately from the employees basic personnel form or other records available to those responsible for personnel decisions, e.g., as part of an automatic data processing system in the payroll department.

§1602.14 Preservation of records made or kept.

Any personnel or employment record made or kept by an employer (including but not necessarily limited to requests for reasonable accommodation, application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by the employer for a period of one year from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of one year from the date of termination. Where a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent employer shall preserve all personnel records relevant to the charge or action until final disposition of the charge or the action. The term personnel records relevant to the charge, for example, would include personnel or employment records relating to the aggrieved person and to all other employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U. S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated.

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The U.S. Equal Employment Opportunity Commission

Job Patterns For Minorities And Women In Private Industry (EEO-1)

Introductory Note

As part of its mandate under Title VII of the Civil Rights Act of 1964, as amended, the Equal Employment Opportunity Commission requires periodic reports from public and private employers, and unions and labor organizations which indicate the composition of their work forces by sex and by race/ethnic category. Key among these reports is the EEO-1, which is collected annually from Private employers with 100 or more employees or federal contractors with 50 more employees. In 2003, over 40,000 employers with more than 50 million employees filed EEO-1 reports.

The confidentiality provision which governs release of these data (Section 709 (e) of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972) prohibits release of individually identifiable information. However, data in aggregated format for major geographic areas and by industry group for private employers (EEO-1) are available. The following tables are national aggregations by those industries with the greatest employment.

SIC Industry definitions and codes used in the tables from 1998 through 2002 are based upon those given in the 1987 Standard Industrial Classification (SIC) Manual. NAICS Industry definitions and codes used in the 2003 tables are based upon those given in the 1997 North American Industry Classification System (NAICS) Manual.

- [2003 tables](#)
- [2002 tables](#)
- [2001 tables](#)
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PART 21. MEDICAL STUDIES

Cross References

AIDS investigation information, confidentiality, see 410 ILCS 325/5.5.
Trauma centers, medical audits, confidentiality, see 210 ILCS 50/27.1.

Administrative Code References

Maternal death reporting, see 77 IL Adm. Code 657.10 et seq.

Library References

I.L.P. Evidence.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

5/8-2101. Information obtained

§ 8-2101. Information obtained. All information, interviews, reports, statements, memoranda or other data of the Illinois Department of Public Health, municipal health departments, the Illinois Department of Mental Health and Developmental Disabilities, the Mental Health and Developmental Disabilities Medical Review Board, Illinois State Medical Society, allied medical societies, health maintenance organizations and medical organizations under contract with health maintenance organizations, physician-owned inter-insurance exchanges and their agents, or committees of licensed or accredited hospitals or their medical staffs, including Patient Care Audit Committees, Medical Care Evaluation Committees, Utilization Review Committees, Credential Committees and Executive Committees, (but not the medical records pertaining to the patient), used in the course of internal quality control or of medical study for the purpose of reducing morbidity or mortality, or for improving patient care, shall be privileged, strictly confidential and shall be used only for medical research, the evaluation and improvement of quality care, or granting, limiting or revoking staff privileges, except that in any hospital proceeding to decide upon a physician's staff privileges, or in any judicial review thereof, the claim of confidentiality shall not be invoked to deny such physician access to or use of data upon which such a decision was based.

P.A. 82-280, § 8-2101, eff. July 1, 1982. Amended by P.A. 82-783, Art. III, § 43, eff. July 13, 1982; P.A. 83-1001, § 1, eff. July 1, 1984; P.A. 84-544, § 1, eff. Jan. 1, 1986; P.A. 84-902, § 4, eff. Jan. 1, 1986; P.A. 84-1308, Art. II, § 107, eff. Aug. 25, 1986; P.A. 85-284, § 1, eff. Jan. 1, 1988.
Formerly Ill. Rev. Stat. 1991, ch. 110, § 8-2101.

Historical and Statutory Notes

P.A. 82-783, following "accredited hospitals", inserted "or their medical staffs"; inserted the parentheses and in the parenthetical clause, preceding "medical records", deleted "original", and preceding "strictly confidential", inserted "privileged".

P.A. 83-1001, § 1, provided for data from the Illinois Department of Mental Health and Developmental Disabilities, and inserted "licensed or" preceding "accredited".

P.A. 84-544 inserted "health maintenance organizations and medical organizations" under contract with health maintenance organizations.

P.A. 84-902 inserted "the Mental Health and Developmental Disabilities Medical Review Board".

Article II of P.A. 84-1308, the First 84th General Assembly Combining Revisory Act, provides for the nonsubstantive revision or re-

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determine appeal from dismissal of action against physicians and hospital for alleged wrongful death of patient, constitutionality of

such statute would not be considered by Appellate Court. *Fure v. Sherman Hospital*, 1978, 21 Ill.Dec. 50, 380 N.E.2d 1376.

CODE OF CIVIL PROCEDURE**5/8-2102. Admissibility as evidence**

§ 8-2102. Admissibility as evidence. Such information, records, reports, statements, notes, memoranda, or other data, shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person. The disclosure of any such information or data, whether proper, or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

P.A. 82-280, § 8-2102, eff. July 1, 1982. Amended by P.A. 82-783, Art. III, § 43, eff. July 13, 1982; P.A. 85-907, Art. II, § 1, eff. Nov. 23, 1987. Formerly Ill.Rev.Stat.1991, ch. 110, § 8-2102.

Historical and Statutory Notes

P.A. 82-783, preceding "in any action", inserted "nor discoverable".
P.A. 85-907 added the second sentence.

P.A. 82-541, § 2.

Ill.Rev.Stat.1981, ch. 51, § 102.

Prior Laws:

Laws 1961, p. 3721, § 2.

Cross References

Physician and patient, privileged communications, see 735 ILCS 5/8-802.

Law Review Commentaries

Privilege; housekeeping statutes. 1969, 46 Chicago-Kent L.Rev. 93.

Notes of Decisions

Amendments 2
Confidential information 4
Construction and application 1
Discovery 6
Immunity 5
In camera examination 7
Presumptions and burden of proof 9
Purpose 3
Waiver 8

1. Construction and application

Medical Studies Act did not either expressly or impliedly prohibit either the court's determination of the admissibility of the materials on basis of submission of materials in camera or their prior discovery, though it did prohibit the admission of certain materials into evidence. *Walker v. Alton Memorial Hospital Ass'n*, 1980, 46 Ill.Dec. 797, 91 Ill.App.3d 310, 414 N.E.2d 850.

2. Amendments

Amendment to this paragraph providing that disclosure of any privileged information did not waive the privilege applied retrospectively. *Sakosko v. Memorial Hosp.*, App. 5 Dist.1988,

118 Ill.Dec. 818, 167 Ill.App.3d 842, 522 N.E.2d 273.

Amendments to ch. 51, §§ 101 and 102 relating to admissibility of all information, interviews, reports and statements of medical committees of accredited hospitals were not entitled to retroactive application to pending case in which physician alleged defamation resulting from statements made by defendant physician at a meeting of medical executive committee of medical center. *Matviw v. Johnson*, 1982, 67 Ill.Dec. 370, 111 Ill.App.3d 629, 444 N.E.2d 606.

3. Purpose

Results of polygraph tests that hospital administered to nurses to determine whether they altered patient records were not privileged pursuant to Medical Records Act; primary purpose of Act, namely, finding doctors to serve on peer-review committees, was not present where investigation was undertaken by hospital administration. *Marsh v. Lake Forest Hosp.*, App. 2 Dist.1988, 116 Ill.Dec. 612, 166 Ill.App.3d 70, 519 N.E.2d 504, appeal denied, 122 Ill.Dec. 439, 121 Ill.2d 571, 526 N.E.2d 832.

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violated its review procedures. *Zajac v. St. Mary of Nazareth Hosp. Center*, App. 1 Dist. 1991, 156 Ill.Dec. 860, 212 Ill.App.3d 779, 571 N.E.2d 840.

Privilege which attaches to hospital review procedures, used to review hospital's internal quality control under Medical Studies Act, cannot be waived, whether or not information has been properly or improperly disclosed. *Zajac v. St. Mary of Nazareth Hosp. Center*, App. 1 Dist. 1991, 156 Ill.Dec. 860, 212 Ill.App.3d 779, 571 N.E.2d 840.

Pathology reports of tests performed to determine source of infection to plaintiffs and consultation report authored by physician who was an expert in infection control were initiated and used by hospital's environmental ser-

CODE OF CIVIL PROCEDURE

vices committee, for internal quality control, medical study and to improve patient care, and were therefore privileged and nondiscoverable under Medical Studies Act, which privilege and nondiscoverability was not waived or otherwise affected by sharing of information with hospital's risk management committee. *Sakosko v. Memorial Hosp.*, App. 5 Dist. 1988, 118 Ill.Dec. 818, 167 Ill.App.3d 842, 522 N.E.2d 273.

9. Presumptions and burden of proof

Burden of showing applicability of hospital information privilege was on hospital objecting to evidence. *Roach v. Springfield Clinic*, App. 4 Dist. 1991, 166 Ill.Dec. 48, 223 Ill.App.3d 597, 585 N.E.2d 1070, appeal allowed 145 Ill.2d 644.

5/8-2103. Furnishing information

§ 8-2103. Furnishing information. The furnishing of such information in the course of a research project to the Illinois Department of Public Health, Illinois State Medical Society, allied medical societies or to in-hospital staff committees or their authorized representatives, shall not subject any person, hospital, sanitarium, nursing or rest home or any such agency to any action for damages or other relief.

P.A. 82-280, § 8-2103, eff. July 1, 1982.

Formerly Ill.Rev.Stat.1991, ch. 110, § 8-2103.

Historical and Statutory Notes**Prior Laws**

Laws 1961, p. 3721, § 3.

Ill.Rev.Stat.1981, ch. 51, § 103.

Notes of Decisions**Construction and application 1****1. Construction and application**

Former ch. 51, § 103 (now this paragraph) granting immunity from suit for those providing confidential information in course of a "research project" did not include a meeting of a hospital executive committee convened to evaluate a staff member's performance. *Matviuw v. Johnson*, 1979, 26 Ill.Dec. 794, 70 Ill.App.3d 481, 388 N.E.2d 795, appeal after remand 67 Ill.Dec. 370, 111 Ill.App.3d 629, 444 N.E.2d 606.

Allegedly defamatory remarks made by defendant physician with respect to plaintiff physician in a special meeting of hospital's executive committee did not involve a "research project" and, hence, did not fall within provisions now contained in this paragraph granting immunity from suit for those providing confidential information in course of a research project. *Matviuw v. Johnson*, 1979, 26 Ill.Dec. 794, 70 Ill.App.3d 481, 388 N.E.2d 795, appeal after remand 67 Ill.Dec. 370, 111 Ill.App.3d 629, 444 N.E.2d 606.

5/8-2104. Interviews

§ 8-2104. Interviews. No patient, patient's relatives, or patient's friends named in any medical study, shall be interviewed for the purpose of such study unless consent of the attending physician and surgeon is first obtained.

P.A. 82-280, § 8-2104, eff. July 1, 1982.

Formerly Ill.Rev.Stat.1991, ch. 110, § 8-2104.

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Prior Laws:
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Laws 1961, p. 3721, § 4.
 Ill.Rev.Stat.1981, ch. 51, ¶ 104.

5/8-2105. Improper disclosure

§ 8-2105. Improper disclosure. The disclosure of any information, records, reports, statements, notes, memoranda or other data obtained in any such medical study except that necessary for the purpose of the specific study is unlawful, and any person convicted of violating any of the provisions of Part 21 of Article VIII of this Act is guilty of a Class A misdemeanor. P.A. 82-280, § 8-2105, eff. July 1, 1982. Amended by P.A. 83-707, § 1, eff. Sept. 23, 1983.
 Formerly Ill.Rev.Stat.1991, ch. 110, ¶ 8-2105.

Historical and Statutory Notes

P.A. 83-707 substituted "Part 21 of Article VIII" for "Sections 8-2101 through 8-2104". P.A. 77-2830, Art. 48, § 1.
 Ill.Rev.Stat.1981, ch. 51, ¶ 105.

Prior Laws:

Laws 1961, p. 3721, § 5.

Cross References

Sentence of imprisonment for misdemeanors, see 730 ILCS 5/5-8-3.

Notes of Decisions**Validity 1****1. Validity**

Former ch. 51, ¶ 105 (now this paragraph) classifying the unauthorized disclosure of information obtained in the course of a proceeding to decide upon a physician's staff privileges as a Class A misdemeanor, to the extent that it

can be construed to exclude evidence relevant to a claim based on federal law in an action brought in federal court, was void and of no effect by reason of the supremacy clause; and any state prosecution of the hospital based on the provision would be barred. Memorial Hospital for McHenry County v. Shadur, C.A. 1981, 664 F.2d 1058.

PART 22. CORONER'S RECORDS**Library References**

ILL.P. Evidence.

WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

5/8-2201. Admissibility of coroner's records

§ 8-2201. Admissibility of coroner's records. In actions or proceedings for the recovery of damages arising from or growing out of injuries caused by the negligence of any person, firm or corporation resulting in the death of any person or for the collection of a policy of insurance, neither the coroner's verdict returned upon the inquisition, nor a copy thereof, shall be admissible